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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,998	12/10/2003	Jing C. Chang	S00007 US NA	9419
23906 7590 12/18/2008 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1122B 4417 LANCASTER PIKE WILMINGTON, DE 19805				
EXAMINER TENTON, LEO B				
ART UNIT 1791		PAPER NUMBER		
NOTIFICATION DATE 12/18/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

### Office Action Summary

**Application No.**

10/733,998

**Applicant(s)**

CHANG ET AL.

**Examiner**

Leo B. Tentoni

**Art Unit**

1791

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 and 46-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 46-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 10/23/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 23 October 2008 has been entered.

***Claim Rejections - 35 USC § 103***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-4 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey et al (WO 01/68962 A2) in

combination with Hernandez et al (U.S. Patent Application Publication 2002/0071951 A1).

Casey et al (see the entire document, in particular, the abstract; page 1, lines 3-9; page 2, line 39 to page 4, line 11; page 9, Table I and lines 9-15; page 10, line 32 to page 11, line 10; page 11, lines 32-36; page 12, lines 1-23; page 13, line 4 to page 14, line 18) teaches a process of making 1 - 3 denier per filament (dpf) staple fiber from polytrimethylene terephthalate (PTT). Hernandez et al (see the entire document, in particular, paragraphs [0002], [0011] and [0029]) teaches a process of making 0.8 - 6 dpf staple fiber from PTT, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosures of Casey et al and Hernandez et al principally in order to manufacture a PTT staple fiber having a desired size (e.g., 6 dpf) which is suitable for yarn and other textile applications. A quench zone shorter than 16 feet would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Casey et al principally because Casey et al teaches (page 9, lines 9-15) a quench zone of from 16 feet to 20 feet and since the conditions of the claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)) (see also MPEP 2144.05(II)(A)).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casey et al (WO 01/68962 A2) in combination

with Hernandez et al (U.S. Patent Application Publication 2002/0071951 A1) as applied to claims 1-4 and 6-15 above, and further in view of Bull et al (GB 992,670 A).

Bull et al (see the entire document, in particular, page 1, lines 19-41) teaches a process of making staple fiber from polyester (including PTT) including providing a tow of about 100,000 denier per inch, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Casey et al in view of Bull et al principally in order to manufacture staple fiber from PTT.

5. Claims 16-20 and 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey et al (WO 01/68962 A2).

Casey et al (see the entire document, in particular, the abstract; page 1, lines 3-9; page 2, line 39 to page 4, line 11; page 9, Table I and lines 9-15; page 10, line 32 to page 11, line 10; page 11, lines 32-36; page 12, lines 1-23; page 13, line 4 to page 14, line 18) teaches a process of making 1 - 3 denier per filament (dpf) staple fiber from polytrimethylene terephthalate (PTT). A quench zone shorter than 16 feet would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Casey et al principally because Casey et al teaches (page 9, lines 9-15) a quench zone of from 16 feet to 20 feet and since the conditions of the claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (In re Aller, 220 F.2d

454, 456, 105 USPQ 233, 235 (CCPA 1955)) (see also MPEP 2144.05(II) (A)).

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casey et al (WO 01/68962 A2) as applied to claims 16-20 and 22-30 above, and further in view of Bull et al (GB 992,670 A).

Bull et al (see the entire document, in particular, page 1, lines 19-41) teaches a process of making staple fiber from polyester (including PTT) including providing a tow of about 100,000 denier per inch, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Casey et al in view of Bull et al principally in order to manufacture staple fiber from PTT.

7. Claims 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey et al (WO 01/68962 A2) in combination with Hernandez et al (U.S. Patent Application Publication 2002/0071951 A1).

Casey et al (see the entire document, in particular, the abstract; page 1, lines 3-9; page 2, line 39 to page 4, line 11; page 9, Table I and lines 9-15; page 10, line 32 to page 11, line 10; page 11, lines 32-36; page 12, lines 1-23; page 13, line 4 to page 14, line 18) teaches a process of making 1 - 3 denier per filament (dpf) staple fiber from polytrimethylene terephthalate (PTT). Hernandez et al (see the entire document, in particular, paragraphs [0002], [0011] and [0029]) teaches a process of making 0.8 - 6 dpf staple fiber from PTT, and it would have been obvious

to one of ordinary skill in the art at the time the invention was made to combine the disclosures of Casey et al and Hernandez et al principally in order to manufacture a PTT staple fiber having a desired size (e.g., 6 dpf) which is suitable for yarn and other textile applications. A temperature of less than 60°C in a first drawing stage would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Casey et al principally because Casey et al teaches (page 12, lines 12-14) a minimum temperature of 60°C and since the conditions of the claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)) (see also MPEP 2144.05(II)(A)).

8. Claims 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey et al (WO 01/68962 A2).

Casey et al (see the entire document, in particular, the abstract; page 1, lines 3-9; page 2, line 39 to page 4, line 11; page 9, Table I and lines 9-15; page 10, line 32 to page 11, line 10; page 11, lines 32-36; page 12, lines 1-23; page 13, line 4 to page 14, line 18) teaches a process of making 1 - 3 denier per filament (dpf) staple fiber from polytrimethylene terephthalate (PTT). A temperature of less than 60°C in a first drawing stage would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Casey et al principally because Casey et al teaches (page 12, lines 12-14) a minimum temperature of 60°C and since the conditions of the claim

are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)) (see also MPEP 2144.05(II) (A)).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leo B. Tentoni/  
Primary Examiner, Art Unit 1791